

GEORGE A. RILEY (State Bar No. 118304)  
 LUANN L. SIMMONS (State Bar No. 203526)  
 O'MELVENY & MYERS LLP  
 Embarcadero Center West  
 275 Battery Street  
 San Francisco, California 94111  
 Telephone: (415) 984-8700  
 Facsimile: (415) 984-8701  
 E-Mail: griley@omm.com  
 lsimmons@omm.com

\*efiled 10/13/06

DAVID M. FURBUSH (State Bar No. 83447)  
 O'MELVENY & MYERS LLP  
 2765 Sand Hill Road  
 Menlo Park, California 94025  
 Telephone: (650) 473-2600  
 Facsimile: (650) 473-2601  
 E-Mail: dfurbush@omm.com

Attorneys for Individual Defendants STEVEN P. JOBS,  
 FRED D. ANDERSON, WILLIAM V. CAMPBELL,  
 MILLARD S. DREXLER, ALBERT A. GORE, JR.,  
 ARTHUR D. LEVINSON, JEROME B. YORK,  
 JONATHAN RUBINSTEIN, TIMOTHY D. COOK,  
 AVADIS TEVANIAN, JR., GUERRINO DE LUCA,  
 ROBERT M. CALDERONI, and MITCHELL  
 MANDICH and Nominal Defendant APPLE  
 COMPUTER, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION**

MICHAEL PRIEBE and CYNTHIA PRIEBE,  
 Plaintiffs,

v.

STEVEN P. JOBS, FRED D. ANDERSON,  
 WILLIAM V. CAMPBELL, MILLARD S.  
 DREXLER, ALBERT A. GORE, JR., ARTHUR  
 D. LEVINSON, JEROME B. YORK, EDGAR S.  
 WOLLARD, JR., GARETH C. C. CHANG,  
 DELANO E. LEWIS, KATHERINE M.  
 HUDSON, JONATHAN RUBINSTEIN,  
 TIMOTHY D. COOK, AVADIS TEVANIAN,  
 JR., GUERRINO DE LUCA, ROBERT  
 CALDERONI, and MITCHELL MANDICH,

Defendants,

- and -

APPLE COMPUTER, INC.,  
 a California corporation,

Nominal Defendant.

Case No. C 06-04703-JF

**STIPULATION AND [PROPOSED]  
 ORDER TO CONTINUE CASE  
 MANAGEMENT CONFERENCE  
 AND ASSOCIATED DATES**

1 IT IS HEREBY STIPULATED by and between Plaintiffs Michael Priebe and Cynthia  
 2 Priebe ("Plaintiffs") and Individual Defendants Steven P. Jobs, Fred D. Anderson, William V.  
 3 Campbell, Millard S. Drexler, Albert A. Gore, Jr., Arthur D. Levinson, Jerome B. York, Jonathan  
 4 Rubinstein, Timothy D. Cook, Avadis Tevanian, Jr., Guerrino De Luca, Robert M. Calderoni,  
 5 Mitchell Mandich and Nominal Defendant Apple Computer, Inc. ("Defendants") as follows:

6 WHEREAS, the undersigned parties are currently discussing consolidation of this case  
 7 with other similar cases pending in this Court and/or the filing of a consolidated complaint. The  
 8 undersigned parties are diligently working on finalizing a stipulation to consolidate the cases.  
 9 The undersigned parties believe that it serves the interests of judicial economy and efficiency to  
 10 defer the pending Case Management Conference and associated dates to a time when  
 11 consolidation issues have been addressed and the Case Management Conference can encompass  
 12 all similar actions in one proceeding.

13 NOW, THEREFORE, pursuant to Local Rule 6-1, the undersigned parties stipulate and  
 14 respectfully request that the Court enter an order continuing the Case Management Conference to  
 15 the Court's first available date that falls at least 30 days after entry of the Court's Order  
 16 appointing lead plaintiffs' counsel, with all associated dates continued to equivalent periods prior  
 17 to the rescheduled Case Management Conference as per applicable local rules.

18 IT IS SO STIPULATED.

19  
 20 Dated: October 10, 2006

GEORGE A. RILEY  
 DAVID M. FURBUSH  
 LUANN L. SIMMONS  
 O'MELVENY & MYERS LLP

21  
 22  
 23 By: /s/ Luann L. Simmons

24 Luann L. Simmons

25 Attorneys for Individual Defendants STEVEN  
 26 P. JOBS, FRED D. ANDERSON, WILLIAM  
 27 V. CAMPBELL, MILLARD S. DREXLER,  
 28 ALBERT A. GORE, JR., ARTHUR D.  
 LEVINSON, JEROME B. YORK,  
 JONATHAN RUBINSTEIN, TIMOTHY D.  
 COOK, AVADIS TEVANIAN, JR.,

GUERRINO DE LUCA, ROBERT M.  
CALDERONI, and MITCHELL MANDICH  
and Nominal Defendant APPLE COMPUTER,  
INC.

Dated: October 10, 2006

PETER A. BINKOW  
GLANCY BINKOW & GOLDBERG LLP

By: /s/ Peter A. Binkow

Peter A. Binkow

Attorneys for Plaintiffs  
MICHAEL PRIEBE and CYNTHIA PRIEBE

**CERTIFICATION OF CONCURRENCE**

I attest under penalty of perjury that concurrence in the filing of this document has been  
obtained from Peter A. Binkow.

Dated: October 10, 2006

GEORGE A. RILEY  
DAVID M. FURBUSH  
LUANN L. SIMMONS  
O'MELVENY & MYERS LLP

By: /s/ Luann L. Simmons

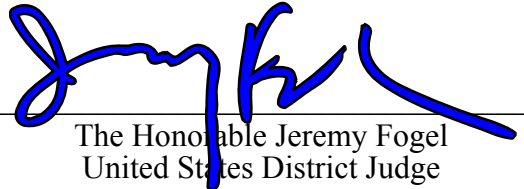
Luann L. Simmons

Attorneys for Individual Defendants STEVEN  
P. JOBS, FRED D. ANDERSON, WILLIAM  
V. CAMPBELL, MILLARD S. DREXLER,  
ALBERT A. GORE, JR., ARTHUR D.  
LEVINSON, JEROME B. YORK,  
JONATHAN RUBINSTEIN, TIMOTHY D.  
COOK, AVADIS TEVANIAN, JR.,  
GUERRINO DE LUCA, ROBERT M.  
CALDERONI, and MITCHELL MANDICH  
and Nominal Defendant APPLE COMPUTER,  
INC.

**[PROPOSED] ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

Dated: 10/13/06 \_\_\_\_\_

  
The Honorable Jeremy Fogel  
United States District Judge

MP1:989022.1